

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States District Court
Southern District of Texas
FILED

SEP 10 2014

Clerk of Court

United States of America
v.
OSCAR EDUARDO JUAREZ
Citizen of United States, YOB: 1995

Case No.

M-14-1768-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 15, 2014 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Title 18, U.S.C. 2119

Offense Description

Whoever, with the intent to cause death or serious bodily harm takes a motor vehicle that has been transported, shipped, or received in interstate or foreign commerce from the person or presence of another by force and violence or by intimidation, or attempts to do so.

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Approved & fto.
[Signature]
AUS #
9-10-14

Sworn to before me and signed in my presence.

Date: 09/10/2014

City and state: McAllen, Texas

[Signature]
Bennett Forrest, FBI

Complainant's signature

Bennett Forrest, Special Agent, FBI

Printed name and title

[Signature]
Dorina Ramos

Judge's signature

Dorina Ramos, United States Magistrate Judge

Printed name and title

Attachment "A"

Affidavit

I, Bennett Forrest, being first duly sworn, state as follows:

1. I, Bennett Forrest, am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) in McAllen, Texas, and have been so employed since January, 2011. I am currently assigned to the Rio Grande Valley Safe Streets Task Force in McAllen, Texas. This affidavit is based on information provided by the McAllen Police Department, McAllen, Texas.

2. As a Federal Agent, I am authorized to investigate violations of federal laws of the United States.

3. The following facts and information are known by the Affiant and were provided by McAllen Police Department (MPD) Investigator Xavier Solis provided information serving as probable cause in support of a complaint for violating Title 18, U.S.C., and Section 2119 Motor Vehicles.

4. On May 15, 2014, at approximately 2:16 a.m., A.M., was driving her boyfriend's 2005 Nissan Altima (manufactured in Canton Mississippi), displaying Texas license plate CN5-X164. A.M. parked in front of Club Rehab, located at 2010 West Nolana Avenue, McAllen, Texas and entered the club to look for a friend. A.M. left the engine running with the driver's door open since her friend, C.R., occupied the passenger seat.

5. A Hispanic male, later identified by MPD as Oscar Eduardo Juarez, DOB 09/05/95, entered into the driver's seat and pointed a gun at C.R.'s head, telling him to get out of the vehicle. C.R. exited the vehicle as Juarez drove A.M.'s vehicle away at a high rate of speed. During a separate incident, and prior to the carjacking occurring, C. Contreras, witnessed Juarez looking into her vehicle in the club parking lot. Additionally, C. Contreras witnessed the incident and observed Juarez stealing A.M.'s Nissan Altima. The MPD was called and the area was checked, but the suspect and vehicle were not found. A.M. and C.R. provided statements to investigators wishing to file criminal charges. The stolen vehicle was entered into TCIC/NCIC as a stolen vehicle. A police report was generated under McAllen Police case number 14-36560.

6. On May 17, 2014, at approximately 1:12 A.M., MPD Officer Randy Vela, was dispatched to the area of 500 West Walnut Avenue, McAllen, Texas, regarding a suspicious male walking around casing the area. Officer Vela found the male matching the description given by the dispatcher. The male was taken into custody after a short foot pursuit and was identified as Oscar Eduardo Juarez, DOB 09/05/95. Officers canvassed the area where Juarez ran, to see if he had discarded any items. Juarez told the officer that he had dropped a gun, which McAllen Police Officers recovered. The weapon was a Smith and Wesson Sigma Semi-

Automatic 9 mm handgun, Model SW9VE, with serial number PDM4428. The weapon was loaded with one round in the chamber. Additionally, the gun's magazine was also recovered nearby.

7. Juarez was also found to be in possession of a Nissan car key and was asked if he had a vehicle. Juarez told officers his vehicle was parked down the street, but that he had stolen the vehicle a few nights before from a McAllen club. The Nissan Altima was located in the 2300 block of North 5th Street, McAllen, Texas. Subsequent to the arrest, McAllen Police Officers were able to match the key which Juarez was in possession of to the stolen Nissan Altima. McAllen Police Officers learned that Juarez had switched the license plate from his sister's vehicle to the Nissan Altima, to keep from being traffic stopped. Juarez also told Officers the weapon that they had recovered was the one he used during the commission of the carjacking. Juarez was taken into custody for Evading Arrest, Unlawfully Carrying a Weapon, Possession of Controlled Substance (Methamphetamine), Possession of Controlled Substance (Teta Hydro Cannabinals), Possession of Drug Paraphernalia, and Possession of Controlled Substance (Colnazepam) Penalty Group 3 under McAllen Police case number 14-37125. A McAllen Police Crime Scene Investigator came out to the scene and photographed both the victim's vehicle and the weapon that was recovered.

8. Juarez was taken to the hospital and medically cleared before being question. McAllen Police Department Investigators Neil Ramos, and Frank De Leon, met with Juarez at the McAllen Police Department located at 1601 North Bicentennial Blvd, McAllen, Texas. The interview was audio/video recorded. Juarez was advised of his Miranda rights, which he understood. Juarez waived his rights and agreed to speak to investigators. Juarez confessed to the carjacking and gave specific details that only the person who was there would have known. Juarez also admitted to using the gun that was recovered by the officers to commit the carjacking. Juarez had stolen the Nissan Altima to drive around and look for pickup trucks to steal. The pickup trucks were then sold to people from Mexico for \$3,000 each. A copy of the video interview was obtained and submitted as evidence.

9. Based on the aforementioned factual information, your Affiant respectively submits that Oscar Eduardo Juarez committed violations of Title 18, United States Code, Section 2119.